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CC412 EAGLE SERVICE STATION
NNE 366 AVE Y (WEST 3RD ST)
1/2-1 BROOKLYN, NY

0.649 mi.
3429 ft.

Site 4 of 5 in cluster CC

NY Spills S102238446
N/A

Relative:
Higher

Actual:
14 ft.

SPILLS:

Name: EAGLE SERVICE STATION
Address: 366 AVE Y (WEST 3RD ST)
City,State,Zip: BROOKLYN, NY
Spill Number/Closed Date: 9511519 / 2013-10-11
Facility ID: 9511519
Facility Type: ER
DER Facility ID: 294901
Site ID: 91658
DEC Region: 2

Spill Cause: Unknown
Spill Class: B1
SWIS: 2401
Spill Date: 1995-12-12
Investigator: JBVOUGHT
Referred To: Not reported
Reported to Dept: 1995-12-12
CID: 270
Water Affected: Not reported
Spill Source: Gasoline Station or other PBS Facility
Spill Notifier: Local Agency
Cleanup Ceased: Not reported
Cleanup Meets Std: False
Last Inspection: Not reported
Recommended Penalty: False
UST Trust: False
Remediation Phase: 0
Date Entered In Computer: 1995-12-12
Spill Record Last Update: 2013-10-11
Spiller Name: JOSEPH GOLAN
Spiller Company: 366 AVE Y DEVELOPMENT CORP.
Spiller Address: 366 AVENUE Y
Spiller Company: 999
Contact Name: RONALD LOCHAN
DEC Memo:

"Prior to Sept, 2004 data translation this spill Lead DEC Field was TIPPLE 10/24/03 tippie updating see also spill #'s 97-05756 and 95-11530. This is an ongoing PIN Job see file. 7/15/04 new owner of 366 Ave Y retained Soil Solutions to remove tanks and remediate site Called in spill # 04-04029. Tipple closed new spill and referred case back to this spill #. Test pits were dug and backfilled today. Friday more work has been scheduled, DEC will be on site with consultants and new owner to review project. 8/23/05 - Raphael Ketani. Case transferred to Jeff Vought. 9/29/05-Vought-Received call from Scott Miller (609-352-0668). Vought called Scott Miller and left message to return call. Vought spoke to Miller and developer willing to excavate source material. Vought faxed FOIL request to Miller. 10/24/05-Vought-Contract Payment Package (National)-Well monitoring, report preparation, groundwater sampling and analysis (6/1/05-7/31/05). 11/3/05-Vought-Spoke with Joshua Golan (366 Ave Y development corp 718-454-5400). Soil Solutions is consultant. Stipulation Signed by Golan and implemented on 2/14/07 and as per CAP ISR was due to be submitted to DEC within 60 days (4/14/07). 1/3/06-Vought-Contract Payment Package (Miller)-Reports, well monitoring, well sampling, converting digital images to CD

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(12/03/04-02/07/05). Payment approved as per DEC Karwiel due to paid invoice not in file and check not cut as per FMIS.
2/9/06-Vought-Received call from Vincent Dejana (Soil Solutions 516-292-6000) and cleanup will be performed by the current owners and written plan will be submitted to DEC. Building has been demolished, tanks have been removed and site will be developed as residential. FOIL request was performed. Plan will include overview of site, anticipated contamination. Soil will be excavated and PID screened. Product is gasoline and sheen on water during tank removal. Depth to groundwater is 7-8' and dewatering may have to occur. Vought advised them of NYCDEP notification and treatment prior to discharge. Current owner is 366 Ave Y Development Corp (Joshua 718-415-4410 office 718-454-5400). One round of sampling will be performed before well removal for excavation. 03/06/06- Noelle Thomas- Contract Payment Package (National)12/01/05-12/31/05 ground water sampling.
3/7/06-Vought-Received call from and spoke to Andrew Gasparro (Landmark Consultants 212- 967-2484 fax 212-967-2499). 366 Avenue Y Corp has hired Landmark Consultants as per Gasparro. Vought received RAP from Soil Solutions dated 2/14/06 which has not been reviewed to date. Vought required call from owner as to who was consultant (Landmark or Soil Solutions). 03/08/06- Thomas-Contract Payment Package- National Env. Mgmt- fluid level monitoring and recording, report preparation (08/01/05-09/30/05). 3/8/06-Vought-Received message from Vincent Dejana. Vought returned call (Dejana Cell 917-939-0199). Dejana will contact owner and have them send in documentation as to who consultant is. 03/13/06-Thomas-Contract Payment Package-(National)-prepared report, monitored fluid level (10/01/05-11/30/05). 04/17/06-Vought-Received call and spoke to Andrew Gasparro and Landmark will be consultants. RAP will be submitted with Health and Safety Plan. 04/08/06-Thomas- Contract Payment Package- (Severn)- lab analysis of MW samples (12/01/05-12/31/05). 05/05/06-Vought-Received call and spoke to Craig Werle (Roux Associates 631-232-2600). Werle is working for AIG who had insurance policy on service station who is currently is litigation via Bill Buss. Craig Werle wants to know if site conditions warrant a sample for age dating. 05/22/06-Vought-File review by Vought: See also closed spill #'s: 9511530, 9512352, 9705756, 9705760, 9802172 at same location. Field Notes from DEC (unknown author)-12/12/95. From notes, leak in fill , elevated LEL in sewers, contaminated soil found during removal of soil from top of tanks. Field Letter from DEC Tomasello to Dan Yaron (Rayon Gas Inc.)-12/18/95. Letter requiring installation of groundwater observations wells as part of a subsurface investigation into the gasoline problem into the sanitary sewer . Letter from Fenley & Nicol (F&N) Ramirez to DEC Tomasello-1/5/96. ...F&N tested the air stack emissions for the Vapor Extraction System a the above referenced site . The results of the GC analyses indicated detectable concentrations . Hourly emissions for benzene were .00858lbs/hr. Letter from Fenley & Nicol (F&N) Ramirez to DEC Tomasello-2/22/96. ...F&N tested the air stack emissions for the Vapor Extraction System a the above referenced site . The results of the GC analyses indicated detectable concentrations . Hourly emissions for benzene were .00023lbs/hr. Letter from Fenley & Nicol (F&N) Ramirez to DEC Tomasello-5/30/96. ...F&N tested the air stack emissions for the Vapor Extraction System a the above referenced site . Hourly emissions for south side extraction system for benzene were .00021lbs/hr, north side extraction system was .00032lbs/hr. One north side extraction system and one south side extraction system. Letter from F&N Jackson to DEC Tomasello-5/8/96. F&N completed subsurface investigation. Free phase product present at two gas

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stations (Equinox Station (354 Ave Y) and Quality (366 Ave Y Station)). Remedial plan for Quality Gas Station includes installation of total fluid ejectors at wells with free product (FN8, FN12 and FN13), performance of a pump test and slug test to see if recovery well will provide sufficient drawdown, installation of a bioventing system for vadose zone contamination. Remedial Plan for Equinox station includes installation of total fluid ejectors at wells with free product(FN9 and FN21), performance of an SVE pilot test for vadose zone contamination. Recovery systems will include an oil/water separator, product recovery tank, air stripping tower and dump tank. Letter from EcoTest Treutloin to DEC Tomasello-6/5/96. You

will notice that both well samples are identified as matching samples C9614945/5, C961945/6 and C961945/7. These are identified as unleaded, super and plus gas tank samples. The samples provided from these tanks were clearly identical (regular unleaded gas), thus the match with the three products provided from the Equinox service station. EcoTest Laboratories Analyticals-6/5/96. Quality Well #13 is gasoline, Quality unleaded gasoline tank is gasoline, Quality Super gas tank is unleaded gasoline, Equinox Well FN19 is gasoline, Equinox unleaded gasoline tank is gasoline, Equinox premium gasoline tank is gasoline, Equinox plus gas tank is gasoline. Letter from Fenley & Nicol (F&N) Ramirez to DEC Tomasello-6/17/96. ...F&N tested the air stack emissions for the Vapor Extraction System(VES)at the above referenced site . Hourly emissions for south side extraction system for benzene were .000075lbs/hr, north side extraction system was .00040 lbs/hr. Letter from Fenley & Nicol (F&N) Ramirez to DEC Tomasello-7/29/96. ...F&N tested the air stack emissions for the Vapor Extraction System(VES)at the above referenced site . Letters from DEC Tomasello to: 1)Harvey Nager (Alcor Petroleum Corp) for Quality Service Station at 354 Ave Y 2)Sigar Realty Corp for Gulf Service Station (FORMERLY EQUINOX S/S) at 366 Avenue Y 3)Dan Yaron (Rayon Gas Inc) for Rayon Gas at 366 Avenue Y 4)Ludwig D'Angelo for Quality Service Station at 354 Avenue Y. In response to an emergency situation on 12/12/95, The New York State Department of Environmental Conservation has initiated a State Funded remediation at the above referenced location. The emergency consisted of gasoline vapors and product, spilled to the groundwater of the State, which entered the sewer, causing a dangerous, explosive situation Sigar Realty is owner of Gulf Service station at 366 Avenue Y. ...our investigation has concluded that the source of this contamination of the waters of the State, originated from both the Gulf/Equinox Service Station at 366 Avenue Y and the Quality Service Station at 354 Avenue Y . The Department shall be installing a recovery shed on the Quality Service Station property and utilizing a saw cut of the street to access your property . You have the right to assume responsibility for this clean-up through the signing of Stipulation Agreement with the Department . Letter from Alcor Petroleum Corp (Nager) to DEC Tomasello-8/13/96. Alcor Petroleum Corp. is not involved in any way in the distribution to, storage at, or selling of gasoline from, the subject location . Owner of Quality Service Station is Jack Waide. Alcor is not responsible for any remediation for any spillage... . Letter from Fenley & Nicol (F&N) Ramirez to DEC Tomasello-6/17/96. ...F&N tested the air stack emissions for the Vapor Extraction System(VES)at the above referenced site . Hourly emissions for south side extraction system for benzene were .000075lbs/hr, north side extraction system was .00270 lbs/hr for MTBE. F&N Monitoring Report-November 1996. Weekly monitoring, bailing of wells with free product. Currently installing a recovery system with total fluid ejectors and vapor extraction system at each station . Total

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recovered product is 605.75 gallons to date. Free product in well 19 and trace product is FN12, FN13 and FN20. F&N Monitoring Report-November 1996. Weekly monitoring, bailing of wells with free product. Currently installing a recovery system with total fluid ejectors and vapor extraction system at each station . Total recovered product is 605.75 gallons to date. Free product in well 19 and trace product is FN12, FN13 and FN20. F&N Monitoring Report-December 1996. Weekly monitoring, bailing of wells with free product. Currently installing a recovery system with total fluid ejectors and vapor extraction system at each station . Total recovered product is 617.25 gallons to date. Trace free product in wells 12, 13, 15, 10 and 20. F&N Monitoring Report-January 1997. Weekly monitoring, bailing of wells with free product. Currently installing a recovery system with total fluid ejectors and vapor extraction system at each station . Two (2) VES blower units, venting sewer on West 3rd Street, 50' north and 50' south of Avenue Y. Total recovered product is 661.25 gallons to date. Free product in wells 13, 17a, 20a, trace free product in well 12. VEFR recovered 31 gallons. Letter from F&N Jackson to DEC Tomasello-2/10/97. Enclosed please find the site plan and soil boring logs for the recently installed monitoring wells... . Installation of four monitoring wells (MW25 thru MW28). EcoTest Analytical-2/24/97. Wastewater effluent analyticals show 6ppb benzene, 5ppb toluene, 7ppb xylene and 3600ppb MTBE. F&N Monitoring Report-February 1997. Weekly monitoring, bailing of wells with free product. Currently installing a recovery system with total fluid ejectors and vapor extraction system at each station . Two (2) VES blower units, venting sewer on West 3rd Street, 50' north and 50' south of Avenue Y. Total recovered product is 684.25 gallons to date. Free product in wells 12, 17a, 20a, trace free product in well 13 and 14. VEFR recovered 11 gallons. 1996 Summary Report (F&N)-3/1/97. The investigation was initiated after several complaints that petroleum odors were emanating from the sewer system . F&N responded by installing two two vapor abatement systems to vent out the sewers. During 1996, Quality stopped pumping gasoline due to a tank test failure. According to the station manager, the tanks have since been abandoned in place. In December 1995 and January 1996, nine monitoring wells were installed on the sidewalks of both stations. Groundwater at depth of 7' below grade. Soil analyticals show: 633ppb Total BTEX(FN10 2-4'), 68100ppb total BTEX(FN11 2-4'), 580700ppb Total BTEX(FN12 4-6'), 6890ppb Total BTEX(FN13 2-4'), 556000ppb Total BTEX(FN14 4-6'), 36860ppb Total BTEX(FN15 4-6'), 904000ppb Total BTEX(FN16 2-4'), 23800ppb Total BTEX(FN17 4-6'), 9930ppb Total BTEX(FN19 2-4'), 8230ppb Total BTEX(FN20 4-6'). Total of 604.75 gallons of free product has been recovered since Jan 1996. Report recommends that: 1)well survey and determination of groundwater flow direction 2)maintain current schedule of monitoring and sampling 3)EFR on wells with free product 4)containment around remote fills at Gulf S/S. F&N Monitoring Report-March 1997. Weekly monitoring, bailing of wells with free product. Currently installing a recovery system with total fluid ejectors and vapor extraction system at each station . Two (2) VES blower units, venting sewer on West 3rd Street, 50' north and 50' south of Avenue Y. Total recovered product is 712.75 gallons to date. Free product in wells 15, 17a, 20a. VEFR recovered 18 gallons. Letter from Fenley & Nicol (F&N) Ramirez to DEC Tomasello-4/7/97. ...F&N tested the air stack emissions for the Vapor Extraction System(VES)at the above referenced site . VES South side, VES Gulf Service Station show impact. VES North side shows non-detect for influent and effluent. Letter from F&N Jackson to DEC Tomasello-4/29/97. F&N was onsite to balance the

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soil vapor extraction systemF&N observed petroleum staining on the sidewalk and in the street on Avenue Y. The staining was observed adjacent to fill lines located on the sidewalk in front of the Gulf S/S. In addition, speedy dry was observed around a fill line manhole cover... . F&N recommends the replacement of the remote fill area with new concrete and proper overfill containment... . F&N Monitoring Report-April 1997. Weekly monitoring, bailing of wells with free

product. Recovery system is pump and treat system with ten total fluid ejectors, vapor extraction systems at each station and vapor abatement units venting two sewers on West 3rd Street . Total recovered product is 737.75 gallons to date. Free product in wells 12a, 14a, 15a, 17a, 20a. VEFR recovered 19 gallons. Letter from Fenley & Nicol (F&N) Ramirez to DEC Tomasello-5/13/97. ...F&N tested the air stack emissions for the Vapor Extraction System(VES) at the above referenced site . Sewer VES, Quality S/S and Gulf S/S show impact. VES North side shows non-detect for influent and effluent. F&N Monitoring Report-May 1997. Weekly monitoring, bailing of wells with free product. Recovery system is pump and treat system with ten total fluid ejectors, vapor extraction systems at each station and vapor abatement units venting two sewers on West 3rd Street . Total recovered product is 1113.75 gallons to date. Free product in wells 12a, 15a, 17a, 20a, trace product in wells 13a and 14a. EcoTest Groundwater Analyticals-06/25/97. Analyticals show: 18ppb benzene(W12), 180ppb xylene(W12), 7700ppb MTBE(W12), 24ppb MTBE(W22), 14000ppb MTBE(W14), 110ppb MTBE(W6), 15ppb xylene(W8), 1400ppb MTBE(W8), 2ppb benzene(W23), 71ppb MTBE(W23), 120ppb benzene(W10), 300ppb xylene(W10), 48000ppb MTBE(W10), 55ppb xylene(W13), 48000ppb MTBE(W13), 1400ppb benzene(W11), 140ppb toluene, 14ppb ethylbenzene(W11), 810ppb xylene(W11), 50000ppb MTBE(W11), 630ppb benzene(W9), 140ppb ethylbenzene(W9), 62ppb xylene(W9), 7000ppb MTBE(W9), 340ppb benzene(W19), 11ppb toluene(W19), 150ppb xylene(W19), 50000ppb MTBE(W19), 80ppb MTBE(W3), 2ppb benzene(W5), 45ppb MTBE(W5), 3400ppb MTBE(W15), 75ppb MTBE(W17), 42ppb MTBE(W28), 1100ppb benzene(W1), 31ppb toluene(W1), 53ppb ethylbenzene(W1), 410ppb xylene(Q1), 5100ppb MTBE, 3ppb benzene(W8), 4600ppb MTBE(W8), 77ppb benzene(W7), 14ppb xylene(W7), 28000ppb MTBE(W7), 100ppb MTBE(W18A), 960ppb benzene(W20), 66ppb toluene(W20), 15ppb ethylbenzene(W20), 790ppb xylene(W20), 240000ppb MTBE(W20), 520ppb MTBE(W2), 44ppb xylene(W16), 21000ppb MTBE(W16), 24ppb benzene(W21), 6ppb ethylbenzene(W21), 19ppb xylene(W21), 7500ppb MTBE(W21), 4ppb benzene(W17), 19ppb toluene(W17), 6ppb ethylbenzene(W17), 120ppb xylene(W17), 110ppb MTBE(W17), 79ppb MTBE(W17), 120ppb MTBE(W4). F&N Monitoring Report-June 1997. Weekly monitoring, bailing of wells with free product. Recovery system is pump and treat system with ten total fluid ejectors, vapor extraction systems at each station and vapor abatement units venting two sewers on West 3rd Street . Total recovered product is 1131.00 gallons to date. Free product in wells 12a, 15a, trace product in wells 14a, 17a and 20a. Letter from Fenley & Nicol (F&N) Ramirez to DEC Tomasello-7/11/97. ...F&N tested the air stack emissions for the Vapor Extraction System(VES) at the above referenced site . Quality S/S and Gulf S/S show impact. VES North side and Sewer VES shows non-detect for influent and effluent. Letter from F&N Jackson to DEC Tomasello-7/14/97. F&N were installing 5-gallon containment manholes around the sticklines, while excavating to the top of the tank, petroleum contaminated soils were encountered above the middle unleaded grade tank. F&N Monitoring Report-July 1997. Weekly monitoring, bailing of wells with free product. Recovery system is pump and treat system with ten total fluid ejectors, vapor extraction systems at each station and vapor abatement units venting

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two sewers on West 3rd Street . Total recovered product is 1226.50 gallons to date. Free product in wells 12a,14a, 15a, 17a. Letter from Fenley & Nicol (F&N) Ramirez to DEC Tomasello-8/14/97. ...F&N tested the air stack emissions for the Vapor Extraction System(VES) at the above referenced site . Quality S/S and Gulf S/S show impact. VES

North side and Sewer VES shows non-detect for influent and effluent. F&N Monitoring Report-August 1997. Weekly monitoring, bailing of wells with free product. Recovery system is pump and treat system with ten total fluid ejectors, vapor extraction systems at each station and vapor abatement units venting two sewers on West 3rd Street . Total recovered product is 1230.75 gallons to date. Free product in wells 12a, 13a, 14a 17a. Letter from Fenley & Nicol (F&N) Ramirez to DEC Tomasello-9/9/97. ...F&N tested the air stack emissions for the Vapor Extraction System(VES) at the above referenced site . Sewer VES, Quality S/S and Gulf S/S show impact. VES North side off. F&N Monitoring Report-September 1997. Weekly monitoring, bailing of wells with free product. Recovery system is pump and treat system with ten total fluid ejectors, vapor extraction systems at each station and vapor abatement units venting two sewers on West 3rd Street . Total recovered product is 1267.75 gallons to date. No free product. Characterization of LNAPL from the Gulf Service Station and Quality Service Station Monitoring Wells, Avenue Y & West 3rd Street-9/9/97. Two product samples were collected from monitoring wells MW14a(Quality S/S) and MW20a(Gulf S/S). Purpose of sampling was to determine the composition and age of the petroleum product at this site . Both samples revealed a nearly identical hydrocarbon profile composed of extensively biodegraded, unleaded automotive gasoline which underwent approximately ten years of biodegradation. Intermixed with the unleaded gasoline matrix was approximately 10 diesel fuel or No. 2 heating oil . There was no significant analytical differences between the LNAPL collected from teh two sites (Gulf vs. Quality). It seems highly improbable that both stations leaked unleaded gasoline at approximately the same time in addition to the same proportion of No. 2 distillate, however the analysis performed are conclusive . Letter from Fenley & Nicol (F&N) Ramirez to DEC Tomasello-10/28/97. ...F&N tested the air stack emissions for the Vapor Extraction System(VES) at the above referenced site . Quality S/S and Gulf S/S show impact. Sewer VES and North Side shows non-detect for influent. F&N Monitoring Report-October 1997. Weekly monitoring, bailing of wells with free product. Recovery system is pump and treat system with ten total fluid ejectors, vapor extraction systems at each station and vapor abatement units venting two sewers on West 3rd Street . Total recovered product is 1288.75 gallons to date. No free product. Status Report (F&N)-11/18/97. Current remedial efforts include: 1) a groundwater pump and treat system consisting of a 2'x20' air stripper tower, an oil/water separator, a product holding tank and a staging tank. There are a total of ten total fluid ejectors (five at each station). 2) a vapor extraction system (VES) consisting of 14 2 vapor wells (6 vapor wells at Quality and 8 vapor wells at Gulf). Each station utilizes a separate 2 HP positive displacement blower unit . 3) a vapor abatement system (VAS). The sewers on W 3rd Street are vented to prevent the buildup of vapors. The north sewer located approximately 50 feet north of Avenue Y has its own 2HP blower unit located underground on W. 3rd Street. The south sewer, located 50' south of Avenue Y (on W. 3rd Street) is trenched to the main recovery area. The south sewer is also vented with a 2HP blower unit. 4) Fourteen 4 monitoring wells. Pilot tests using vacuum enhanced recover were performed in Spring 1997. Groundwater flow from each

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station flows towards W. 3rd Street . A perched water table is present at the Gulf S/S in the vicinity of monitoring wells MW19, MW20 and MW21 due to a peat layer from 8-10' and clay layer at

10-14'. Groundwater contour map shows the presence of two clearly defined dissolved BTEX plumes . One plume is on Gulf Station around MW1 and MW20 and the second plume is on the Quality S/S around MW11. The ejectors can be moved to different well locations as needed . Report recommends: 1) EFR continue in areas of high dissolved concentrations 2) bioremediation should be investigated 3) continuation of current maintenance and sampling schedule. Semi-Annual Status Report (F&N) 12/12/97. Well monitoring logs from 01/7/98-4/28/98. No free product in any onsite wells (28 monitoring wells total on both sites). Letter from Fenley & Nicol (F&N) Ramirez to DEC Tomasello-12/12/97. ...F&N tested the air stack emissions for the Vapor Extraction System(VES) at the above referenced site . Quality S/S, Gulf S/S and Sewer VES show impact. Sewer VES and North Side shows non-detect for influent. Groundwater Sample Analyticals (EcoTest)-12/26/97. Groundwater sample analyticals for monitoring wells. Letter from Fenley & Nicol (F&N) Ramirez to DEC Tomasello-1/21/98. ...F&N tested the air stack emissions for the Vapor Extraction System(VES) at the above referenced site . Quality S/S, Gulf S/S and Sewer VES show impact. North Side shows non-detect for influent. Letter from Fenley & Nicol (F&N) Ramirez to DEC Tomasello-1/23/98. ...F&N tested the air stack emissions for the Vapor Extraction System(VES) at the above referenced site . Quality S/S, Gulf S/S and Sewer VES show impact. North Side shows non-detect for influent. Letter from Fenley & Nicol (F&N) Ramirez to DEC Tomasello-3/30/98. ...F&N tested the air stack emissions for the Recovery System at the above referenced site . Quality S/S, Gulf S/S North Side VES, and Sewer VES show impact. Letter from Lime'N Environmental (DiFilippo) to DEC O'Dowd-5/20/98. Two sites located at 24 Cobeck Court and 29 Cobeck Court have noticed gasoline type odors in their businesses over the past few weeks . Odors at highest where floor drain connects to sanitary sewer system. Lime'H respectfully requests the agencies expeditious response to this matter... Investigative Summary Report-6/18/98. Gasoline was discovered in the street between these two service stations. We tested the tanks at both stations, there were piping and tank failures and evidence of overfilling at both stations . Groundwater Analyticals (EcoTest)-06/16/98. Groundwater analyticals show: 2ppb benzene(MW2), 100ppb MTBE(MW2), 2ppb benzene(MW3), 95ppb MTBE(MW3), 14ppb MTBE(MW4), 2ppb benzene(MW5), 23ppb MTBE(MW6), 16ppb MTBE(MW7), 130ppb MTBE(MW8), 42ppb benzene(MW9), 14ppb ethylbenzene(MW9), 190ppb MTBE(MW9), 9ppb benzene(MW10), 12ppb ethylbenzene(MW10), 13ppb xylene(MW10), 600ppb MTBE(MW10), 1580ppb benzene(MW11), 240ppb ethylbenzene(MW11), 350ppb xylene(MW11), 8900ppb MTBE(MW11), 340ppb benzene(MW12), 130ppb toluene(MW12), 80ppb ethylbenzene(MW12), 1900ppb xylene(MW12), 13000ppb MTBE(MW12), 120ppb benzene(MW13), 21ppb ethylbenzene(MW13), 2100ppb MTBE(MW13), 180ppb benzene(MW14), 67ppb toluene(MW14), 120ppb ethylbenzene(MW14), 250ppb xylene(MW14), 1600ppb MTBE(MW14), 670ppb benzene(MW15), 2800ppb toluene(MW15), 520ppb ethylbenzene(MW15), 8200ppb xylene(MW15), 2000ppb MTBE(MW15), 53ppb MTBE(MW16), 8ppb benzene(MW17), 76ppb MTBE(MW17), 9ppb benzene(MW18), 79ppb MTBE(MW18), 400ppb benzene(MW20a), 8ppb toluene(MW20a), 41ppb ethylbenzene(MW20a), 19ppb xylene(MW20a), 2300ppb MTBE(MW20a), 26ppb MTBE(MW21), 11ppb MTBE(MW22), 26ppb MTBE(MW23), 11ppb MTBE(MW28). Status Report (F&N)-6/19/98. Current remedial efforts include: 1) Groundwater pump and treat system 2)Vapor extraction system 3)Vapor abatement system. No free product

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since August 1997. Groundwater flows from each station towards W. 3rd Street . Both BTEX plumes are currently confined to their respective service stations . The presence of free product corresponds with a period of lower groundwater observations . A total of 42 monitoring wells onsite. Highest contamination in both station is around tank mats. VES influent concentrations from the Quality S/S have decreased throughout the year. Report recommends investigation of bioremediation options, continuation of current monitoring and sampling schedule. Proposal for Biorem-10/20/98. Proposal for Quality S/S and application of H-10 product. Groundwater Analyticals (EcoTest)-2/14/99. Monitoring wells sampled for 8260/8270. Groundwater Analyticals (EcoTest)-3/12/99. Monitoring wells sampled for monitored natural attenuation parameters. Status Report July 1988 thru April 1999-11/2/99. As of March 3, 1999 approximately 550 gallons of A MicroAriofilic Microbial organisms are introduced to a select number of wells on each site on a weekly basis . Remote fills for Gold Standard S/S(former Gulf Station) were repaired by F&N in September 1998. No free phase hydrocarbons were found during the reporting period . Map indicates presence of two clearly defined dissolved BTEX plumes . A bid was solicited from Bio-Remedial Technologies of NY for the weekly inoculation of both the Quality S/S and Gulf (now OK Petroleum) sides of West 3rd Street. The bid was accepted and a scheduled start date was selected. A total of 13350 gallons of H-10 solution has been used to date. Since July 1998 BTEX influent concentrations from the north sewer have remained nondetect . South sewer influent concentrations have decreased to non-detect, BTEX influent concentrations at Gulf and Quality have decreased to non-detect. Groundwater samples collected on a semi-annual basis. Highest concentrations of BTEX and MTBE around tank mats. Report recommends continuation of current maintenance schedule and quarterly groundwater sampling. EcoTest Groundwater Analyticals-7/27/99. Groundwater samples from monitoring wells analyzed for 8260. Letter from NYSOAG Buss-9/30/99. Initial demand:interim spill. Letter sent to: Equinox Service Station c/o Sigar Realty 1602 Avenue Y Brooklyn, NY 11235 Quality Service Station c/o Ludwig DiAngelo 428 Klondike Ave Staten Island, NY 10314 Rayon Gas Inc 366 Avenue Y Brooklyn, NY 11223 EcoTest Groundwater Analyticals-10/14/99. Groundwater samples from monitoring wells analyzed for 8260. Letter from Fine Hummel PC (Fine) to DEC Tomasello-11/11/99. From our file review and the supporting data, it appears that others are fully responsible for the discharge and our client should not be a target of the Attorney General's collection efforts... We are requesting a meeting with you and others involved in this matter as soon as possible... 05/24/05-Vought-Continued File Review by Vought: Letter from F&N McCabe to DEC Tomasello-11/17/99. This letter is intended to provide you with a written account of our conversation on October 27, 1999. ...wells at the above referenced site were filled with a rancorous material. I was able to determine that the material was a build up of the culturing media with Bio-Rem uses in the shipping and onsite propagation of the H-10 solution. This material is primarily made of wood pulp . Vacuum truck will be scheduled to remove the material. Status Report (F&N) May 1999-December 1999. Current remedial efforts include: 1)total of 42 monitoring wells, ten fluid ejectors 2)Vapor extraction system 3)vapor abatement system 4)weekly inoculations of bio-rem. In December of 1999, pump and treat system was dismantled and removed from site. A total of 1288.78 gallons of free phase product has been recovered since work began at the sitehydrologic low which runs along West 3rd Street . A total of 1100 gallons of H-10 is used each week. Between March 1999 and December

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1999, 62850 gallons of H-10 have been injected in the wells at the site . Highest concentrations of BTEX and MTBE located around tank mats of both service stations. Report recommends: 1) current monitoring schedule shall be maintained. 2) quarterly groundwater sampling 3) second round of groundwater sampling for monitored natural attenuation parameters. Groundwater analyticals show: 11pp benzene(MW1), 29ppb ethylbenzene (MW1), 58ppb xylenes (MW1), 78ppb MTBE(MW1), 600ppb toluene(MW2), 52ppb MTBE(MW3), 170ppb toluene(MW4), 18ppb MTBE(MW6), 2ppb benzene(MW7), 26ppb MTBE(MW7), 21ppb MTBE(MW8), 11ppb benzene(MW9), 190ppb toluene(MW9), 9ppb ethylbenzene (MW9), 33ppb MTBE(MW9), 14ppb MTBE(MW10), 140ppb benzene(MW11), 5ppb toluene(MW11), 30ppb xylene (MW11), 140ppb MTBE(MW11), 130ppb benzene(MW12), 6ppb ethylbenzene (MW12), 17ppb Xylene (MW12), 370ppb MTBE(MW12), 49ppb MTBE(MW13), 110ppb MTBE(MW14), 240ppb MTBE(MW15), 4ppb benzene(MW16), 85ppb MTBE(MW16), 9ppb benzene(MW17), 74ppb MTBE(MW17), 10ppb MTBE(MW18), 14ppb benzene(MW20), 1400ppb MTBE(MW20), 18ppb MTBE(MW21), 27ppb MTBE(MW22), 21ppb MTBE(MW23). Letter from NYSOAG Buss to Ludwig D'Angelo-1/12/00. Initial Demand: Interim Spill. EcoTest Groundwater Analyticals-02/02/00. Groundwater samples from monitoring wells analyzed for 8260. EcoTest Ejector Pit Analyticals-02/14/00. Ejector pit samples analyzed for 8260. EcoTest Groundwater Analyticals-04/19/00. Groundwater samples from monitoring wells analyzed for 8260. Status Report Jan 2000-April 2000 (F&N McCabe)-4/27/00. Current remedial efforts consist of weekly inoculation of Microarophillic mircobial organism into the existing groundwater monitoring wells, this organism goes by the trade name H-10. A total of 1100 gallons is being introduced each week. Hydrologic low along West 3rd Street. Two separate plumes (one on Gulf S/S and one on Quality S/S). ...a total of 81150 gallons of solution have been injected in the wells at the site . Beginning November 1999 removal of the recovery system was begun. This removal includes the Vapor Extraction System and the Air Stripper Towers. Report recommends continuation of the current monitoring schedule and continuation of quarterly groundwater sampling. EcoTest Groundwater Analyticals-09/21/00. Groundwater samples from monitoring wells analyzed for 8260. Summary of Recovery Operations May 2000 thru Dec 2000(Miller-Olsen). 42 monitoring wells, ten ejector wells on both sites. ...Fenley & Nicol removed the remediation systems utilized at the site. All parts of the remedial effort removed prior to the transition of the site include: groundwater pump and treat system, vapor extraction system, vapor abatement system. Quarterly groundwater sampling. Highest concentrations of BTEX and MTBE in general vicinity of tank mats at both sites. Report recommends cessation of Bio-Rem application for one quarter followed by quarterly sampling. EcoTest Groundwater Analyticals-01/02/01. Groundwater samples from monitoring wells analyzed for 8260. EcoTest Groundwater Analyticals-03/28/01. Groundwater samples from monitoring wells analyzed for 8260. EcoTest Groundwater Analyticals-06/15/01. Groundwater samples from monitoring wells analyzed for 8260. EcoTest Groundwater Analyticals-09/19/01. Groundwater samples from monitoring wells analyzed for 8260. Site Status Monitoring Report (Miller)-Jan 2001 thru Sept 2001. .05 of free product found in MW18. Generally, groundwater appears to be flowing towards West 3rd Street from each service station and then in a southward direction . To date, a total of 41900 gallons of H-10 have been injected at this site . Monthly groundwater monitoring and quarterly sampling. Report had no recommendations at this time. Groundwater analyticals show: 39ppb toluene(MW1), 4ppb benzene(MW2), 16ppb toluene(MW2), 17ppb ethylbenzene(MW2), 20ppb xylene(MW2), 66ppb MTBE(MW2), 12ppb

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benzene(MW3), 230ppb toluene(MW3), 21ppb xylene(MW3), 25ppb MTBE(MW3), 940ppb toluene(MW3A), 26ppb xylene(MW3A), 16ppb MTBE(MW3A), 1ppb benzene(MW4), 30ppb toluene(MW4), 17ppb toluene(MW5), 100ppb toluene(MW6), 5ppb benzene(MW7), 6ppb toluene(MW7), 21ppb MTBE(MW7), 16ppb toluene(MW8), 5ppb xylene(MW8), 14ppb benzene(MW8a), 580ppb toluene(MW8a), 12ppb MTBE(MW8a), 850ppb toluene(MW8a), 710ppb benzene(MW8a), 100ppb toluene(MW8a), 160ppb ethylbenzene(MW8a), 150ppb xylene (MW8a), 570ppb MTBE(MW8a), 50ppb benzene(MW12a), 410ppb toluene(MW12a), 31ppb ethylbenzene(MW12a), 13ppb xylene(MW12a), 210ppb MTBE(MW12a), 2700ppb toluene(MW12a), 21ppb ethylbenzene(MW12a), 43ppb MTBE(MW12a), 110ppb toluene(MW13a), 840ppb toluene(MW14a), 61ppb MTBE(MW14a), 32ppb benzene(MW15), 54ppb toluene(MW15), 16ppb ethylbenzene(MW15), 57ppb xylene(MW15), 240ppb MTBE(MW15), 5ppb toluene(MW16), 11ppb MTBE(MW16), 4ppb benzene(MW16a), 150ppb toluene(MW16a), 9ppb toluene(MW17), 9ppb benzene(MW18), 18ppb toluene(MW18), 11ppb ethylbenzene(MW18), 110ppb xylene(MW18), 63ppb MTBE(MW18), 370ppb toluene(MW18a), 7ppb xylene(MW18a), 22ppb benzene(MW19), 690ppb toluene(MW19), 18ppb MTBE(MW19), 43ppb benzene(MW19a), 70ppb toluene(MW19a), 6ppb ethylbenzene(MW19a), 37ppb xylene(MW19a), 16ppb MTBE(MW19a), 290ppb benzene(MW20), 130ppb toluene(MW20), 43ppb ethylbenzene(MW20), 67ppb xylene(MW20), 1200ppb MTBE(MW20), 83ppb benzene(MW20a), 500ppb toluene(MW20a), 10ppb ethylbenzene(MW20a), 15ppb xylene(MW20a), 1100ppb MTBE(MW20a), 11ppb MTBE(MW21), 4800ppb toluene(MW21a), 21ppb xylene(MW21a), 9ppb MTBE(MW21a), 34ppb toluene(MW27), 1500ppb toluene(MW28), 11ppb ethylbenzene(MW28), 43ppb xylene(MW28). EcoTest Groundwater Analyticals-12/14/01. Groundwater samples from monitoring wells analyzed for 8260. 05/25/06-Vought-Continued File Review by Vought: EcoTest Groundwater Analyticals-05/16/02. Groundwater samples from monitoring wells analyzed for 8260. Bio-Remediation Summary Report (Miller)-6/26/02. Bio-Rem application suspended in Feb 2002, during which monitoring wells were cleaned using a sewer jet technique and vacuum truck. After the wells were cleaned, they were sampled. Recent groundwater monitoring data and total BTEX data included in report. EcoTest Groundwater Analyticals-07/29/02. Groundwater samples from monitoring wells analyzed for 8260. Letter from DEC Tipple to Sigar Realty-9/12/02. Letter returned back to DEC as attempted not known . A recent notable increase in the petroleum related problem in the area stated above, has been brought to our attentionthe NY State Department of Environmental Conservation is hereby ordering the owner of operator of this facility to inspect and test these tanks.... Deadline of 9/23/02. Notice of Violation (DEC Sigona)-9/26/02. On September 24, 2002 the DEC conducted a PBS inspection at the above referenced facility... Letter requires submission of PBS registration, that tanks be either double walled/installed in an excavation liner/or vaulted, labeling of fill ports and tanks, as-builts for tanks, leak detection, inventory records, periodic tightness testing, closure of out-of service USTs, monthly inspection reports, secondary containment for ASTs, gauge for AST, marking of AST. Violations required to be corrected within 30 days. Violation sent to: Ms. Jennifer Waide 2124 East 17th Street Brooklyn, NY 11229 EcoTest Groundwater Analyticals-11/08/02. Groundwater samples from monitoring wells analyzed for 8260. Summary of Recovery Operations (Miller Olsen)-December 2002. Contains well monitoring data, bar and line graphs of concentration vs time. Data shows gradual reduction in groundwater contamination. 05/26/06-Vought-Continued File Review by Vought: EcoTest Groundwater Analyticals-02/14/03. Groundwater samples from monitoring wells analyzed for 8260. EcoTest Groundwater Analyticals-03/13/03.

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Groundwater samples from monitoring wells analyzed for 8260. EcoTest Groundwater Analyticals-06/18/03. Groundwater samples from monitoring wells analyzed for 8260. EcoTest Groundwater Analyticals-09/12/03. Groundwater samples from monitoring wells analyzed for 8260. EcoTest Groundwater Analyticals-12/12/03. Groundwater samples from monitoring wells analyzed for 8260. EcoTest Groundwater Analyticals-03/14/04. Groundwater samples from monitoring wells analyzed for 8260. EcoTest Groundwater Analyticals-06/16/04. Groundwater samples from monitoring wells analyzed for 8260. Site Status Monitoring Well (Miller) September 2001 thru December 2004. In July 2004, Five (5) underground storage tanks (UST) and surrounding soil were removed from the site by Soil Solutions and Tyree Environmental. Currently there are 21 active monitoring wells onsite. Work performed includes monthly well monitoring. Free product was detected in monitoring wells MW19 and MW19a with regular frequency until September 2003. No free product in any well since Sept 2003. Groundwater flow to West 3rd Street and then in southward direction. No samples were collected during the underground storage tank removal and excavation activities which occurred during July and August 2004. Bio-Rem injected H-10 into wells from May 2000 until Dec 2001 on a weekly basis. The effectiveness of Bio-Rem's H-10 product used as a remediation technique was not proven at this location. Report recommends continuation of monthly monitoring and quarterly groundwater sampling. Groundwater analyticals from 9/12/03 show: 13ppb MTBE(MW1), 10ppb MTBE(MW3A), 620ppb benzene(MW15), 4600ppb toluene(MW15), 150ppb ethylbenzene(MW15), 2600ppb xylene(MW15), 1000ppb benzene(MW15a), 300ppb ethylbenzene(MW15a), 1600ppb xylene(MW15a), 7600ppb MTBE(MW15a), 6ppb xylene(MW16a), 10ppb MTBE(MW17), 310ppb benzene(MW17a), 10ppb ethylbenzene(MW17a), 580ppb MTBE(MW17a), 26ppb benzene(MW18a), 570ppb benzene(MW19), 8ppb toluene(MW19), 93ppb ethylbenzene(MW19), 190ppb xylene(MW19), 100ppb MTBE(MW19), 710ppb benzene(MW19a), 10000ppb toluene(MW19a), 1700ppb ethylbenzene(MW19a), 8600ppb xylene(MW19a), 4000ppb benzene(MW20), 130ppb toluene(MW20), 670ppb ethylbenzene(MW20), 2700ppb xylene(MW20), 670ppb MTBE(MW20), 1500ppb benzene(MW20a), 15ppb toluene(MW20a), 190ppb xylene(MW20a), 790ppb MTBE(MW20a), 10ppb xylene(MW21a), 18ppb MTBE(MW21a). 354 Avenue Y monitoring wells were last sampled in 3/03, and were not sampled after (no reason in documentation why sampling was discontinued at Quality). Quality also not sampled in 12/03, 3/04, 6/04. Groundwater Analyticals (STL)-1/12/05. 63ppb MTBE(MW1), 10ppb MTBE(MW4), 830ppb benzene(MW15), 710ppb ethylbenzene(MW15), 3400ppb toluene(MW15), 8600ppb MTBE(MW15), 600ppb MTBE(MW15), 79ppb benzene(MW16), 17ppb ethylbenzene(MW16), 10ppb toluene(MW16), 23ppb xylene(MW16), 160ppb MTBE(MW16), 20ppb benzene(MW19), 6ppb xylene(MW24). Analytical Data Package for Water Samples received 07/15/05. Only Gulf S/S wells were sampled for 8260. Proposal for Cleanup of 366 Avenue Y (366 Avenue Y Development Corp)-11/2/05. Proposal includes remove of asphalt and debris from site, removal of soil from footprint of building, endpoint sampling and installation of four monitoring wells. Site Status Monitoring Report (National Environmental) January 2005 thru July 2005-November 2005. National (state-funded contractor) performing monthly groundwater monitoring and quarterly groundwater sampling. Currently there are 13 active monitoring wells onsite. No floating product was detected in any wells on the site. Only Gulf (366 Avenue Y was sampled). Groundwater analyticals show: 12ppb MTBE(MW1), 530ppb benzene(MW2), 56ppb toluene(MW2), 48ppb ethylbenzene(MW2), 187ppb xylene(MW2), 79ppb MTBE(MW2), 7.5ppb benzene(MW4), 570ppb benzene(MW15), 2600ppb toluene(MW15), 510ppb ethylbenzene(MW15), 5000ppb xylene(MW15),

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300ppb MTBE(MW15), 830ppb benzene(MW16), 46ppb toluene(MW16), 130ppb ethylbenzene(MW16), 341ppb xylene(MW16), 340ppb MTBE(MW16), 2.8ppb benzene(MW16a), 17ppb MTBE(MW16a), 130ppb benzene(MW19a), 690ppb toluene(MW19a), 510ppb ethylbenzene(MW19a), 2840ppb xylene(MW19a), 25ppb MTBE(MW19a). Standby Contractor Authorization Form (DEC Vought) for STL-01/17/06. Remediation Plan (Soil Solutions-Vincent Dejana 516-292-6000)-2/14/06. As an overview, the site is a former gas station, the underground storage tanks have been removed and the building has been demolished. We are anticipating removing soil down to the groundwater level and will dispose of it at a licensed disposal facility. Proposal to also test soil and groundwater and submission of data to DEC. Site had two (4000-gallon) three (550-gallon) and one (275-gallon) UST containing gasoline. All of these events occurred before the new owner, 366 Avenue Y Development Corp. purchased the property. One year ago, Soil Solutions was hired and performed the following: 1)stripped and remove sidewalk, asphalt and pavement 2)removed all tanks 3)excavated and stockpiled questionable soils removed from around the tanks. PBS registration enclosed in plan for four (550-gallon) and two (4000-gallon) USTs (all gasoline except for one 550-gallon) lube oil UST. Affidavit for tank removal enclosed. Letter from 366 Avenue Y Development Corp (Jacob Waide)-3/31/06. This is to verify that landmark consultants Inc that Andrew Gasparro has been hired by us to the said property address 366 avenue Y to coordinate clean up efforts with the NYSDEC. Remedial Action Workplan (RAWP) Landmark Consultants (Andrew Gasparro-212-967-2484 fax 212-967-2499)-4/20/06. Will be remediating 366,368,370 and 372 Avenue Y. Proposed development of the property includes construction of a 3-story multi-tenant residential building. The building will consist of a cellar, basement, first floor and second floor for all residential use. The water table beneath the subject property is extremely shallow. Accordingly the noted basements will be partial in nature if existent at all. Excavation will be performed to groundwater. Any areas that are exposed will need to have a vapor barrier that will be comprised of 2 layers of 6-mil. polyurethane. Stockpiles will be covered with plastic sheeting. If de-watering becomes necessary as part of Site development activities, a NYCDEP sewer discharge permit will be obtained prior to start-up... Also included in RAWP were guidelines for importing borrowed material, storm water and dust control. Closure Report will be submitted to DEC including disposal manifests. With regards to the closure report, Landmark considers this report confidential and ask that you do the same. This report should not be transmitted to third parties without the written permission of LANDMARK and an authorized agent of your firm. Same site plan as Soil Solutions. 05/30/06-Vought-DEC REQUIRES FOR 366 AVENUE Y: 1) investigation of soil and groundwater at fill port location 2)groundwater sample from bottom of excavation 3)locations of fill port and dispenser islands 4)discussion with NYSOAG Buss for review of STIP prior to sending 5)vapor barrier and possible installation of sub-slab depressurization system under foundations 6)consultant with DEC Urda regarding request for confidentiality of Closure Report 7)continued monitoring of off-site monitoring wells. DEC REQUIRES FOR 354 AVENUE Y: 1)monitoring data and recent status of 354 Avenue Y 2)site assessment due to closed in place status (as per PBS #02034290) of eleven (550-gallon) gasoline USTs and one (550-gallon) used oil UST. 05/30/06-Vought-Called NYSOAG Buss for request to review STIP prior to sending and status of 354 Avenue Y. Vought spoke to Buss and he was unaware of property development and said that case was set for trial in October 2006. As per Buss he believed that Jacob

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Waide may also be owner of 354 Avenue Y. Vought called Waide (718-454-5400) and as per secretary, owner of both sites are Joshua Golan and Jacob Waide is attorney as per secretary. As per NYSOAG Buss, separate STIPs should be sent out for either site. Vought called Gasparro (cell 917-743- 4789) for info on current owners info and as per Gasparro current owner of both sites is Jacob Waide. Vought requested call back from Waide or Golan for current site owners and STIP addressees. 06/02/06-Vought-Received call from Steve (Soil Solutions 516-292-6000). As per Steve, no tank closure report was produced and endpoint samples were collected, however analyticals were not paid for. Vought received call from Raja (718-454-5400). Vought returned call and spoke to Joshua and as per him case would be settled if remediation is taken over by RP. Joshua Golan is part owner of 366 avenue Y. Joshua ever had any involvement with 354 avenue Y. Joshua took over 366 Avenue in 2004. Joshua requested that AG Buss contact his attorney (Scott Furman 212-508-6750). Vought called AG Buss and he said that case was not settled and Golan should contact him. Vought called Golan and left message that he still may be held responsible, to call Buss and to return call to me if he decided to proceed with remedial action. Vought called Gasparro and informed him of same and requested that himself, Golan or Furman contact DEC when they want to proceed with remedial action. 06/05/06-Vought-Received call from NYSOAG Buss and Gasparro. Vought returned call to Buss and provided him with NYCDEP contact info to see if they had any files on sewer impact. Vought returned call to Gasparro. As per Gasparro he spoke with Jacob Waide and father of Joshua Golan and they do not want to sign STIP as they are not responsible parties. Vought called Buss and left message to return call to: 1)give approval to have Golan/Waide contact him directly 2)ask for guidance on requirement letter (STIP or non-STIP). 06/06/06-Vought-Received call from Bill Buss and he approved giving out number to Golan/Waide and party must sign STIP. Vought called Gasparro, informed him of STIP requirement and provided him Buss's phone number. 06/08/06-Vought-Received call from and spoke to Joshua Golan who inquired about responsibility of past site expenses. Vought referred him to NYSOAG Buss. 08/09/06-Vought-Received letter from AG Buss that trial commences on 10/16/06 in Albany and Vought's testimony may be required. Vought received call from AG Buss and returned call and provided him number of DEP Industrial Waste contact. 08/22/06-Vought-Received Payment Application from AG Buss for Empire Geo-Services for reviewing the site and testifying as expert witness on behalf of State. Vought called DEC Karziel for instruction and Karziel asked that he be faxed a copy so he could further investigate. 08/29/06-Vought-Received message from DEC Karziel that he received fax and DEC should pay invoice. Vought returned call and left message to return call with payment instructions. 08/29/06-Vought-Received message from Sarah Ishay (366 Ave Y Corp 718-376-9121). Vought returned call and left message to return call. Spoke to Sarah and she is hired by Jeff Golan to assist. Vought discussed site with her and she requested meeting with AB Buss and DEC Vought to assist in progress of site. Vought called AG Buss and Buss had received messages from Ishay and was going to return call. Vought spoke to Ishay and she spoke to Buss and he will investigate further progress onsite. Ishay waiting for copy of Stipulation from Andrew Gasparro and will contact DEC once Stipulation is reviewed and determination of progress can be made. 09/06/06-Vought-Received call from secretary of Josh Golan and he received call from Jacob Waide and as per secretary Josh Golan never received Stipulation. 09/07/06-Vought-After site review, Vought

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discovered that Stipulation was never sent. Vought called 366 Avenue Y Development Corp for address: Mr. Joshua Golan 366 Avenue Y Development Corporation 110-32 Farmers Boulevard St. Albans NY 11412 Fax: (718)454-0900 Vought sent DRAFT Stipulation to Buss for review and approval prior to sending. 09/11/06-Vought-Received message from Sarah Ishay that she has not received STIP. Vought returned call and told her that a copy would be faxed upon approval by AG Buss. Vought called Buss to confirm reception of STIP and left message to review and send back or call back to confirm reception. Vought received revised STIP and sent out final version to Golan with fax to Golan, Buss and Ishay. Vought called Ishay for fax # and faxed her copy of STIP. 9/13/06-Vought-Received message from Gasparro and returned call and spoke to Gasparro. Vought sent him copy of spill notes as he wanted to know DEC remarks specific to his report. 09/14/06-Vought-Called DEC Karwel for update on Payment application for Empire GeoServices and left message to return call to DEC. 09/21/06-Vought-Received request sent to AG Buss from Lamb & Barnosky (Brad Schlossberg 631-694-2300) for request for file documents in relation to discovery request on behalf of defendants Alcor Petroleum Corp.... Vought sent documents via email as per Buss. Vought received message DEC Austin that call was received from Doug Cwienk (717-303-2660) for documents related to discovery. Vought returned call and spoke to Douglas who was in office earlier to copy file and sent him requested information via email. 09/22/06-Vought-Received call from Gasparro and returned call and left message to return call. 09/25/06-Vought-Received call from Gasparro and discussed CAP and Gasparro had no objections with CAP upon discussion with DEC. 09/27/06-Vought-Contract Payment Package (National)- fluid level monitoring, groundwater sampling and data recording (04/01/06-05/31/06). 10/17/06-Vought-Received letter from 366 Avenue Y Development Corp (Golan) dated 10/12/06. In regards to the deadline for October 13, 2006 we would like to request a time extension on the stipulation. This is due to the fact that we are currently in the process of having talks without attorneys in reference to pending litigation against parties which previously had interest in the property. In the meantime we are also working on the exact details and process of cleanup with Landmark Consultants... 10/30/06-Vought-DEC received call from Golans' rep inquiring about status of approval for STIP deadline extension. Vought granted extension of deadline for Stipulation to 12/12/06 due to ongoing legal case. 11/13/06-Vought-Received message from Razia that they misplaced stipulation. Vought signed another copy of original stipulation and faxed and placed in mail. (Note that original copy of Stipulation is with AG Buss and rest of file). 11/29/06-Vought-Received call from Andrew Gasparro and Jacob Waide found partially liable by jury and ordered to pay portion of state costs and as such wants to sign Stipulation and proceed with work as soon as possible. Meeting will be held today to sign Stipulation. 12/11/06-Vought-Received call from Gasparro (917-743-4789) and returned call. Gasparro requested that item #1 of CAP be amended without the word permanent. Vought agreed and resent out copy of amended CAP. 12/14/06-Vought-Received message from Gasparro and returned call and left message. Received call from Ishay and she wanted off site remedial requirement to be removed from STIP. Vought called AG Buss and left message to return call. 12/15/06-Vought-Received message from Buss that 366 Ave Y was indeed responsible for offsite as per Speonk vs. Fuel. Vought called and spoke to Ishay and informed her of AG's consent on offsite requirement. Ishay incredulous of responsibility and will have Golan

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and/or Waide contact AG Buss. 1/27/07-Vought-Received numerous messages from Ishay, Waide and Gasparro however unable to respond due to emergency caseload. DEC Vought, DEC Austin and DEC Buss had phone call to discuss need for off site groundwater monitoring and remediation. Agreement was reached that off-site monitoring/remediation would be continued to be required. Vought called Gasparro and left message with summary of continued off site requirements. Vought called and spoke to Joshua Golan about need for off-site wells and monitoring and possible remediation. Vought spoke to DEC Tipple to inquire about why 354 Ave Y was dropped from monitoring. As per Tipple reason was extreme caseload and 9/11. As per Tipple with concentrations observed on 9/01 (last monitoring data available for 354 Ave Y) she would have not discontinued monitoring. Vought spoke to AG Buss and as per Buss Jacob Wade is owner of both properties and as Buss approved reopening of spill # for 354 Avenue Y and sending of letter requiring groundwater monitoring results. Vought spoke to DEC Austin who approved reopening the spill pending confirmation by AG Buss that monitoring of 354 Avenue Y will not conflict with previous Department directive and call to Tipple to ensure that she did not testify that no further monitoring was required for 354. 1/30/07-Vought-Received call and spoke to Gasparro and informed him of continued monitoring on 354 and requirements for offsite cleanup at 366 Ave Y. 2/2/07-Vought-Called and left message for Buss confirming of receipt of email regarding possible further requirements on 354 Avenue Y possibly conflicting with previous testimony given by DEC Tipple. Vought spoke to AG Buss and he will check transcripts and return call to DEC. 2/5/07-Vought-Conference call with AG Buss, DEC Austin and Vought. Decision made to continue to require off site monitoring on 366 Avenue Y and as no plans for development of 354 no monitoring will be required currently. As per Buss, transcripts were not available however notes of testimony indicated decision made by DEC Tipple that concentration trends were decreasing on 354 and no further monitoring was required. Vought called Gasparro and informed him of no monitoring requirements on 354 but continued offsite requirement for 366. Vought called Wade and left message of summary. Vought called Sarah Ishay and summarized information and she approved of requirement and Vought stated that once STIP is signed, excavation can begin and four monitoring wells will have to be installed in sidewalk. Ishay to contact Golan and Waide. 2/5/07-Vought-Received original signed STIP in mail signed by Joshua Golan. Vought called Golan and left message confirming receipt and spoke to Gasparro and confirmed receipt and requested notification upon reaching final excavation depth for site visit. Vought also called Ishay and left message confirming receipt and noted site visit requirement. 2/14/07-Vought-Stipulation Agreement implemented by DEC Austin. Vought faxed copy to Gasparro, Golan and AG Buss. 03/01/07-Vought-Received call from Gasparro and agreement was reached for contract to begin work. As per Gasparro contract amount was agreed to by Waide, Golan and Gasparro however Gasparro has not been paid to date and work will not commence until Gasparro receives payment. 3/14/07-Vought-Spoke to Gasparro who will proceed with work as he had received partial payment. Will collect soil samples for disposal characteristics and begin excavation possibly on 3/15/07. Once excavation is complete, DEC will be contacted for site visit. Gasparro will sample sidewalk wells. Site visit to inspect excavation tentatively set for 3/19. 3/22/07-Vought-Received call from Gasparro and soil contamination under western sidewalk. Site visit scheduled for Monday 3/26 at 1pm. 3/27/07-Vought-Left message for Gasparro requesting rescheduling of site visit to 2pm for 3/28.

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3/30/07-Vought-Received call from Gasparro and excavation continuing in northeast corner of site and site of pit is 85x55'. Footprint of building is excavated. Water has product on it. Product will be boomed and diaped. Small spots of 2'x2'. 4/2/07-Vought-Site visit by Vought. Onsite were Gasparro, Golan and Waide. Heavy soil contamination noted on southeast sidewall and northwest sidewalls. Odors noted from excavation. Groundwater in excavation with some sheen but no free product. Proposed footing for building will be 3' below grade. One groundwater sample will be collected with three day turnaround time. Approximately 700 tons of soil removed to date by Rainbow trucking. DEC requires: 1) covering of all impacted stockpiles over weekend 2) installation of vapor barrier and SSDS 3) tens soil sidewall endpoint samples and one bottom groundwater analyzed for EPA 8260/8270 4) installation of wells in southern portion of the property (proposed for backyards) due to remaining soil contamination. 4/13/07-Vought-Called Gasparro for update and Gasparro still waiting for groundwater analyticals which should be in early next week. Gasparro will send in status summary with groundwater analytical to DEC. 4/16/07-Vought-Called Gasparro to see if heavy rains (over 8) impacted site conditions as per request from DEC Austin. Gasparro confirmed that no impact to the site due to heavy rain. 09/13/07-Vought-Contract Payment Package (STL)- Groundwater sample analysis (04/01/06- 04/30/06). 02/26/08-Vought-Received call from Gasparro and he has analyticals however client has not provided payment. 2034 tons of soil was removed. He will be submitting Close Out report within few weeks despite not receiving payment. No property development. One more groundwater sample required to determine if vapor barrier or SSDS is required. 07/25/08-Vought-Spill reassigned from DEC Vought to DEC Ketani as per DEC Austin. 11/06/08-Vought-PBS Violation conference with DEC Legal Owens, DEC Ketani, DEC Vought and Jacob Waide. As per Stipulation signed by Golan and implemented on 2/14/07, Investigation Summary Report was due to DEC by 4/14/07. Jacob and Josh were paying Gasparro for his services. No submittals to date as per Gasparro. Vought called and left message for AG Buss to return call regarding violation of Stipulation. Vought had conference with DEC Owens, DEC Ketani and Jacob Waide. As per Waide he is the owner of 354 Avenue Y and not involved at all with 366 Avenue Y. PBS violation case and STIP violation case will be handled by DEC Urda. Vought spoke again with Gasparro who confirmed Jacob Waide was related to site. Vought called both Ishay and Golan and both numbers are no longer in service. Vought spoke to Golan and hole was backfilled and site has not been developed to date. As per Golan he had disagreement with Gasparro. Vought explained remaining work to be done at site including endpoint sampling and well installation and Golan will return call to Vought with update. Vought also informed Golan of referral to DEC Legal for violation of the STIP. 5/14/09 - Raphael Ketani. Mark Robbins of HydroTech (631) 462-5866 called to inquire about the status of the site. He said that he was working on a Phase I for a client who was interested in buying the property. I gave him a quick synopsis from the database notes regarding what the case status was. I told him that, in the end, the case had been referred to legal for a violation of the STIP agreement and PBS violations. I added that groundwater samples and end point soil samples will need to be taken on site as well as off site. He thanked me for the information and said that he will see what happens with the client. I spoke to Bill Buss at the AG's office. He said that he wasn't the attorney on the case, but he will let me know who is. He called me back later and said that John Nyhoff (518) 474-2292 is the current

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attorney for the case. I spoke to Mr. Nyhoff. He said that he is not the attorney, but that he is the collections specialist. He said that the OAG is trying to collect the money that DEC spent on the site investigation. 5/15/09 - Raphael Ketani. From ACRIS, I obtained the following information: 366 Avenue Y: block and lot 7213/0001, seller is Jacob Waide, 2124 East 17th Street, Brooklyn, NY, 11229, buyer is 366 Avenue Y Development Corp., 1578 Hewlett Avenue, Hewlett, NY, 11557, used to be Sigar Realty Inc., 2501 West 3rd Street, Brklyn, NY 354 Avenue Y: block and lot 7212/0017, 354 Avenue Y Corp., 428 Klondike Avenue, S.I., NY, 10314, Maria C. D'Angelo 2501 West 2nd Street, Brklyn. Ludwig D'Angelo 428 Klondike Avenue, S.I. Dominick D'Angelo 208 President Street, Brklyn. Joann Spinelli f/k/a Joann D'Angelo 5/18/09 - Raphael Ketani. The PBS case is #2-342432. It lists Joshua Golan as the contact. There were 6 fuel tanks, but they were all closed and removed. I tried to contact Joshua Golan at (516) 295-1850, but the number was out of service. I tried to contact him at (718) 454-5400, but this was Affordable Computers. I left a message for him at this number anyway. I tried the numbers (718) 454-0900 and (718) 376-9121, but they were out of service. I checked the STIP agreement. It was signed by someone from 366 Avenue Y Development on 2/2/07. The signature is unintelligible. It looks like the name of Sarah Ishay, the assistant to Jeff Golan (the brother of Joshua Golan). From the earlier case notes, the STIP was implemented on 2/14/07, and the ISR was due on 4/14/07. Due to a decision by a former case manager, Michelle Tipple (see 1/27/07 case notes), the spill case for 354 Avenue Y was closed. She based her decision on the overloaded caseload from the 9-11 event, and the fact that the groundwater analyticals showed that the analyte concentrations were dropping. Jeff Vought required the owners of 366 Avenue Y to install wells in the southern part of the site, and to do end point soil borings in the sidewall of the excavation. A vapor barrier is required with the construction of any building on the site, and possibly a sub-slab depressurization system. Andrew Gasparro of Landmark Consultants has the analytical results and the ready to submit ISR, but he will not release it as the owners haven't paid him all of the money that they owe him. 7/8/09 - Raphael Ketani. I finally found a working phone number and got ahold of Joshua Golan (718) 415-4410. He said that he is no longer an officer in the corporation and is not involved with the site. He told me that Jacob Waide (718) 627-8777/cell (646) 436-4194 is an officer and to contact him. I contacted Mr. Waide. Initially, when he answered and said Hello? , I asked for Mr. Waide. However, Mr. Waide said that there was no one by that name here. When I identified myself, he said that he was Mr. Waide. I told him that DEC was trying to resolve this spill case and I asked him what progress had been made. He said that Jeff Vought of DEC had been at the site some months ago and had witnessed the cleaning of the site. I told him that Mr. Vought had informed me that the site wasn't clean and that groundwater wells and soil borings needed to be installed. Mr. Waide insisted that was not true. He added that he owed Mr. Gasparro (212)967-2484 of Landmark Consultants \$35,000 for paperwork that was performed, and was trying to get the money together. Mr. Waide added that once he has the paperwork, then he can show the DEC that the site is clean. I asked him when the DEC might see the paperwork. He said that business is very slow right now due to the recession and he has just enough money to feed his family. I told him to send the paperwork as soon as possible. However, I added that the DEC still requires the wells and borings. Mr. Waide insisted that the paperwork will show DEC that everything has been resolved. Lastly, I asked Mr. Waide who was the

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owner of the property. He said that 366 Avenue Y Development Co. was his. I asked him who were the officers of the company. He said that he was and that Joshua Golan was, too. With that, the conversation ended. I tried to contact Scott Furman (212) 508-6750, the former attorney for 366 Avenue Y Development Co., but could only leave a message with his answering service. 7/9/09 - Raphael Ketani. I made an unannounced site visit today. The property comprising 366 Avenue Y is boarded up. From the stairs of a neighbor, I could see that the site consisted of a large water filled pit with cat tails growing in it (see pictures in E-docs). There was no sheen. There was a Century 21 real estate company for sale sign on one of the plywood boards. Four groundwater monitoring wells were located in the sidewalk on the east side of West 3rd Street. Across West 3rd Street was 354 Avenue Y. This site is an active car repair shop. There were four abandoned groundwater monitoring wells in the sidewalk in front of the business. Next, I met Mr. Waide at 354 Avenue Y. He said that, originally, Jeff Golan and Joshua Golan (father and son) were supposed to build on the 366 Avenue Y property. They had a contract to do so within a year. Otherwise, they would be out of the 366 Avenue Y Corporation. Mr. Waide said that, of course, they didn't build anything. So, he has nothing to do with them and they have no involvement with 366 Avenue Y. He is going to talk to his lawyer and have them removed from the corporation. I asked Mr. Waide how long ago did the deadline pass for building on the site? He said that it was several years ago. Mr. Waide said that I should send all correspondences to him at 366 Avenue Y Corporation, 354 Avenue Y, Brooklyn, 11223. I told Mr. Waide that, as far as the DEC is concerned, the site is still dirty because we don't have any documentation to prove otherwise. Mr. Waide explained that Mr. Gasparro had the investigation report and the data, but he can't get it because he still owes Landmark Consultants \$35,000. I told him that the deadline for submitting the report was back on 4/14/07. He said that he knows this. He said that business has been very bad and no one wants to lend him any money. He asked whether I would like to speak to Mr. Gasparro and see whether something can be arranged so that DEC can get the report? I told Mr. Waide that he can try to talk to Mr. Gasparro, but that I didn't think he would give him the report without receiving at least the bulk of the money. Mr. Waide tried calling Mr. Gasparro, but couldn't reach him. Mr. Waide said that he will talk to his lawyer and have him draw up a document giving Mr. Gasparro entitlement to the profits from the sale of 366 Avenue Y as collateral for the \$35,000 that is owed. I told Mr. Waide that he can do whatever he thinks is possible to obtain the investigation report. Mr. Waide again asked for a little more time to get the report. I asked him how much time he was thinking about. He said two months. I told him that the staff at DEC will have to think about his request and that I couldn't promise him anything. After this, I left the shop. 7/14/09 - Raphael Ketani. I spoke to Mr. Gasparro (212) 967-2484 today. He said that Mr. Waide had called him requesting that he do some environmental work for him. Mr. Gasparro said that he told Mr. Waide that he was still owed \$78,000. So, he was not going to do any work until he gets paid. I told Mr. Gasparro that was alright. 9/4/09 - Raphael Ketani. I hadn't heard from Mr. Waide regarding the case or whether he had hired a consultant. 1/26/10 - Raphael Ketani. Antoinette Ollivierre (o-li-vare) of American Environmental Assessment and Solutions, Inc., 1045 E. 53rd Street, Brklyn, 11234, (718) 209-0653 (e-mail aollivierre@aeasinc.com) called to inquire about the status of the site and how much more work needed to be done at the site. She said that Mr. Waide had contacted her regarding

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finishing the work at the site and getting the case closed. Ms. Oliver said that she was collecting information for writing a proposal. I read some of the case notes to her regarding the type of work that had already been performed and the latest groundwater contamination results. I told her that end point sampling and groundwater monitoring still needed to take place. She asked how many end points were needed. I told her that we didn't have information that indicated how many samples should be taken. I added that DEC didn't really know whether all of the contaminated soil had been removed. She said that she understood. I told her that if the next round of groundwater sample results indicate that there is significant contamination, then step out wells will be necessary. I told her that it was important to know the status of the contamination as there are residences bordering two side of the property and across the street. She thanked me for the information and said that she will make a formal FOIL request. 1/27/10 - Raphael Ketani. Ms. Ollivierre called and said that Mr. Waide had retained American Environmental. She asked that DEC send a letter to her stating the work that has to be performed at the site. I drafted a letter and sent it by e-mail to Mr. Urda of Region 2 Legal. 2/3/10 - Raphael Ketani. Ms. Ollivierre (718) 209-0653 called. She asked where the letter was that DEC was supposed to send her. I told her that she should talk to Mr. Urda of DEC Legal about it. She said she will. 2/8/10 - Raphael Ketani. A letter was sent today to Norman S. Langer, Esq. at 3047 Avenue U, Brooklyn, NY, 11229 (the lawyer for 366 Avenue Y Development Corp.), and to Ms. Ollivierre. The letter requested that a work plan be submitted to DEC immediately that includes site wide and sidewalk end point sampling, and the installation of additional monitoring wells to the south and to the east. If free product is found, then a schedule must be set up for the collection of the free product and additional wells must be installed for delineating the product plume. The work plan must contain a schedule for performing the required work. A vapor barrier must be installed with the construction of any building on the site. 6/15/10 - Raphael Ketani. A hearing took place today at Region 2 regarding the penalty. In attendance were Mr. Waide and Mr. Langer, Mr. Urda, Mr. Vought, and myself, and the ALJ and the court reporter. The ALJ will submit his report to his superior and a ruling will be made in one month. To date, I have not received a work plan regarding the soil end point sampling or the groundwater contamination delineation. 6/21/10 - Raphael Ketani. Ms. Ollivierre (718) 209-0653 called me today. She said that she had been told by Mr. Waide to contact the DEC and to start the investigation work. She said that she was going to put in two groundwater wells to the south. I told her that American Environmental must also redevelop the existing wells and take groundwater samples. I added that if the wells are not useable, then replacement wells will have to be installed. I also stated that soil end point samples must be taken in the southeast and northwest sidewalls of the site. She said that she understood. Ms. Ollivierre asked whether the DEC would require a work plan. I said that we do. She said that she will contact the DEC regarding our requirements and put together the work plan. 7/26/10 - Raphael Ketani. I spoke to Ms. Ollivierre. She said that she sent a letter for a FOIL request to the DEC. She is waiting a reply so that she can review the record and learn what the site is all about. I told her that she could also put together the work plan while she is waiting. I added that if the plan contains the work that we requested, then the DEC will quickly approve the plan. I stated that once the plan is approved, she can get started on doing this work while she is waiting for an

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appointment to see the case file. She said that this sounded good and that she will put the plan together. 8/9/10 - Raphael Ketani. Today I received the 7/29/10 Remedial Investigation Work Plan from American Environmental Assessment & Solutions, Inc. (AEAS). I began my review. 8/10/10 - Raphael Ketani. I finished my review of the RIWP. My only comments were that all six borings must be in the sidewalls of the excavation pit, and that the soil samples must be taken at least 3 feet into the sidewalls. I spoke to Ms. Ollivierre (718) 209-0653. I told her that all six soil end point samples must be in the sidewalls, not a couple in the pit floor. I told her to make sure the samples are taken at about 3 feet into the sidewalls in order to obtain representative soil samples. Ms. Ollivierre stated that the planned wells will be temporary ones. However, if contaminated water is found, then permanent wells will be constructed once the site is backfilled. I told her that as long as the temporary wells can be used to obtain other rounds of groundwater samples, then that would be alright. I asked that AEAS proceed immediately to start the approved work. 8/11/10 - Raphael Ketani. A letter was drafted to Ms. Ollivierre containing the comments of our discussion on 8/10/10. The letter was reviewed and approved by Randall Austin, Chief of the Spills Unit, and sent out today. 8/19/10 - Raphael Ketani. Today I received the decision document from ALJ Daniel P. O'Connell regarding the hearing that took place on 6/15/10 concerning 366 Avenue Y Development Corporation (see E-docs). It was found that the Respondent had violated the STIP. The Respondent was assessed \$37,500 with \$12,500 suspended if the conditions in the Order are met - submit ISR within 30 days of Order (date of Order is 8/16/10), submit the remediation plan within 90 days of order, and complies with terms and conditions of STIP and Order. 11/10/10 - Raphael Ketani. I tried to speak to Ms. Ollivierre (718) 209-0653, but I could only leave a voice message. After this, I sent her an e-mail asking for the ISR, the remediation plan, and to start the work. Ms. Ollivierre called me back. She said that Mr. Waide was going to court in 10 days in order to terminate his partner's 50% ownership of the property (the partner doesn't want to end his ownership, but neither is he willing to do anything for the site). She added that Mr. Waide wanted to get this resolved before spending the money to conduct the environmental work on the property. I asked her why Mr. Waide didn't just go ahead and spend the money to have the ISR and remediation plan produced and the work started? She said that he felt this would make the property valuable and then the partner wouldn't want to give up his ownership. I told her that this didn't seem reasonable. I told Ms. Ollivierre that Mr. Waide was in violation of the Commissioner's Order as he missed one deadline already, and that he was about to be in violation again because he was about to miss another deadline. She said that he will contact Mr. Urda to straighten the matter out. 11/18/10 - Raphael Ketani. I received a letter from Mr. Langer stating that Mr. Waide had hired an environmental firm to take care of the problem. 4/28/11 - Raphael Ketani. I contacted Ms. Ollivierre (718) 209-0653 and asked her whether she had heard anything from Mr. Wade regarding having environmental work performed. She said that she hadn't heard from him in some time. However, she will try and contact him. 10/27/11 - Raphael Ketani. As part of the caseload realignment order by Randall Austin, Chief of the Spills Unit, I am transferring this case to Jeffrey Vought in the Spills Unit. The synopsis of the case is as follows: The spill was received by the DEC on 12/12/95. It was called in due to gasoline in the sewers. There were two gas stations nearby, but it was not clear initially who was responsible. Wells were installed next to both gas stations by a DEC contractor. The

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property at 366 Avenue Y was determined to be the source. The owner is 366 Avenue Y Development Corp. Jacob Waide owns the property with another party and has been trying to end his partnership. On 7/9/09, I made an unannounced site visit and saw the site. It consisted of a water filled pit with plants growing in the vacant lot. I also met Mr. Waide. On 6/15/10, there was a hearing with the ALJ at Region 2. On 8/9/10, American Environmental Assessment & Solutions submitted a RIWP. However, it was determined to be deficient and comments were sent to the consultants. On 8/19/10, the ALJ passed his decision to the DEC. Mr. Waide was found to have violated the STIP and received fines. He was required to submit an ISR within 30 days. As of today, the report hasn't been submitted, no work has taken place and Mr. Waide hasn't retained the consultants. 6/8/12 - Raphael Ketani. Dave Yudelsof of Sive Paget & Riesel (917) 295-6449 called about the site. He wanted to know the site history and current status, which consultants had been or were involved, what still needed to be done and who the case manager was. I told him the information he needed and directed him to Mr. Vought. 7/17/12-Vought-Received call from Gasparro (Ph:917-743-4789 office:718-383-6800). Owners still owe Gasparro funds for cleanup and he continues to stay in contact with Jack Wade. Site was backfilled and endpoint sampling was performed from open excavation. Gasparro has received authorization to do whatever it takes to close the spill as he has potential purchaser and Gasparro noted that Yeshiva Elementary School is or will be developed. Soil sidewall samples and bottom groundwater samples. Gasparro will send email to Vought with cc to Wade regarding current status of site and Vought to confirm DEC requirements. 7/26/12-Vought-Received call from and spoke to Gasparro and informed him that Mr. Waide is to call DEC Urda to discuss settlement as per hearing on 6/15/10. Gasparro sent email to Waide with cc to Vought and Urda that As per my conversation with Jeff Vought today unfortunately we are at a stand still with continuing our pursuit of a closeout on Spill # 9511519 due to a non payment from a stipulation violation that was generated at a hearing on June 15, 2010. Jack please coordinate with Mr. Urdah at your earliest convenience to make arrangements for payment of that outstanding violation. Please also include in that correspondence that we are going to be working on this case going forward. If you have any questions or comments please do not hesitate to contact me at any time, I can be reached on my cell or at the office. 1/7/13-Vought-Received call from Landmark Consulting (Gasparro) and as per Gasparro, Mr. Waide did work out payment schedule with DEC Urda and did not make 12/31/12 payment to Urda. Gasparro wants to generate remediation report on work that was done in 2007 with analyticals and submit to DEC. Vought noted that a minimum of four groundwater samples must be collected currently to ensure no temporal trends in groundwater contaminant concentrations (if any). 2/11/13-Vought-Email from OGC Urda to Dan Leinung with revised Corrective Action Plan requiring quarterly groundwater monitoring and request for Waide to execute order immediately. Leinung replied asking how long does quaterly monitoring continue for and OGC after consultation with Vought replied probably not more than a few quarters depending on what the numbers look like. Language proposd for CAP included Within 20 days of the effective date of this Order, the Respondent shall submit for Department approval a Remedial Action Plan including quarterly groundwater monitoring for Monitored Natural Attenuation parameters in accordance with DER-10: Technical Guidance for Site Investigation and Remediation (the RAP). The RAP shall include vapor mitigation efforts to be used in Site development. 2/28/13-Vought-Called Landmark and left message for

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Gasparro to submit site plan for Site Investigation Summary Report dated 2/8/13. To date file review by Vought: Email from Paul McGaha (Landmark) to Vought-2/8/13. Email that Attached please find the Site Investigation Summary Letter for 366 Avenue Y in Brooklyn, New York. If you have any questions please do not hesitate to contact me at (908) 285-1207. Thank you. Site Investigation Summary Report (Landmark)-2/8/13. In 2007, site remediation consisting of soil excavation and disposal, was performed at the property. Subsequently in January 2013, additional groundwater samples were collected from the property. Report is summary of site investigation results. On 4/3/07 ten soil samples were collected from sidewalls and one bottom groundwater sample was collected from the base of the excavation. Groundwater samples collected via 1 Geoprobe monitoring well. Four wells installed on 1/11/13 and groundwater samples collected for each. Report recommends No Further Action. Vought called Gasparro and left message to return call to Vought to discuss future use and well as site plan in Investigation Summary Report. Groundwater analyses for VOCs, SVOCs and metals (filtered and unfiltered). No method detection limits or soil analyticals in report however soil analyticals for petroleum related VOCs are non-detectable. Groundwater analyticals for samples collected 1/11/13 show: 9.1ppb benzene(MW1), 300ppb MTBE(MW1), 1.7ppb benzene(MW2), 23ppb MTBE(MW2), 34ppb benzene(MW4), 12ppb ethylbenzene(MW4), 12ppb MTBE(MW4), and 20ppb xylene(MW4). Soil analyticals show up to 0.8ppm mercury and 1350ppm Lead. 3/1/13-Vought-Spoke to Gasparro and Yeshiva school was built across street from site and the goal for site is to be residential development and school is not down-gradient but is rather up-gradient from site. Gasparro still has diposal manifests and will submit to DEC as well soil analyticals. Vought spoke to OGC Urda and Vought to draft reply letter denying No Further Action as requested in 2/8/13 report for his review and approval. Vought called and spoke to Andrew Gasparro for mailing address and fax/email of Jacob Waide. Vought drafted review letter for Site Inv. Summary Report and discussed with OGC Urda and Vought to send out review letter upon receipt of OGC of signed Consent Order 7/29/13-Vought-Received call from Gasparro requesting review letter to be sent to Jacob Waide at 366 Avenue Y with requirements including groundwater monitoring, submission of disposal manifests, submission of lab analyticals and site plan and submission of development plans for the site. Called Gasparro and noted that DEC no longer required monitoring for DO, pH and Redox after consultation with DEC Magee regarding another separate and distinct spill. Vought discussed and reviewed letter with OGC Urda prior to sending it to Waide with cc to Gasparro and Langer and Urda. Vought sent out letter with cc to Urda, Langer and Gasparro and also added letter to e-docs. 8/8/13-Vought-Letter sent to Wade was return to sender no such number unable to forward. Vought called Gasparro and left message to return call with correct mailing address. Gasparro to text Vought correct mailing address. Vought received call from and spoke to property developer (Rocco Bastille Ph:917-648-3099) who noted that he is in contract to purchase property and will be developing the site with 12 residential units including vapor barrier. Vought noted that 15 mil vapor barrier required and possible monitoring well installation pending DEC review of groundwater analyticals. 10/2/13-Vought-Current file review by Vought: Email from Landmark (Gasparro) to Vought with cc to OGC Urda-9/26/13. Email that Jeff, Attached is the amended version of the RAPR, the site inventory summary report review letter, as well as a cover letter requesting an extension on the \$40,000 due to the DEC. Please contact me at any time should you have questions

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EPA ID Number

on the attached documents. I can be reached at the contact information listed below. Thank you, . Vought added all to E-docs. RAPR Cover Letter and Extension Request (Landmark)-9/25/13. Report includes quarterly groundwater samples, disposal manifests and lab analyses. At the current time the current owner does not have any plans to develop the property. As such, the submission of development plans for the site will be the responsibility of the new property owner. Letter is to request and extension on the September 30th, 2013 date for payment of the remaining \$40,000 due to DEC as owner (Waide) is in contract to sell the property with imminent closing . Landmark requesting spill closure. Remedial Action Progress Report (Landmark)-September 2013. No VOCs detected in sidewall samples and some SVOCs noted attributable to historical fill material. Additional groundwater samples were collected in January and May 2013.residual petroleum impacts remain in groundwater and appear to be naturally attenuating . Groundwater flow appear to be to southwest but current groundwater concentrations do not warrant additional delineation or investigation. Groundwater analyticals from four wells on all corners of property show no TOGS 1.1.1 Groundwater Standard exceedences. 10/7/13-Vought-Discussed site with OGC Urda and OAG Lenung and DEC will close spill and OAG to follow up with receipt of fines associated with violation of Consent Order. 10/11/13-Vought-Spill closed by Vought due to recent groundwater samples all below TOGS, removal of all source materials and impacted soils from site to the groundwater table and no further impact to sewers (call for initial spill complaint). Spill closure letter sent to: Mr. Jacob Waide 354 Avenue Y Brooklyn, NY 11223 Email:swaide1@aol.com with cc to Gasparro, OGC Urda and OAG Lenung.

DEC Requires: 1)cc to Gasparro, OGC Urda and attorney, NYSAOG Leninung for Waide."

Remarks:

"gasoline was discovered in sewer. two gas stations in area. further investigation to follow"

All Materials:

Site ID: 91658
Operable Unit ID: 1025732
Operable Unit: 01
Material ID: 2096792
Material Code: 1213A
Material Name: MTBE (methyl-tert-butyl ether)
Case No.: 01634044
Material FA: Hazardous Material
Quantity: Not reported
Units: Not reported
Recovered: Not reported
Oxygenate: Not reported

Site ID: 91658
Operable Unit ID: 1025732
Operable Unit: 01
Material ID: 358850
Material Code: 0009
Material Name: gasoline
Case No.: Not reported
Material FA: Petroleum
Quantity: .00
Units: G
Recovered: .00
Oxygenate: Not reported